

3644

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/972,195 Confirmation No. : 3113
First Named Inventor : Martin BRODT
Filed : October 9, 2001
TC/A.U. : (To Be Assigned)
Examiner : (To Be Assigned)
Docket No. : 095309.50476
Customer No. : 23911
Title : Method and Apparatus for The Production of Locally
Reinforced Sheet-Metal Mouldings and Products Made
Thereby

REPLY TO NOTICE UNDER 37 C.F.R. 1.251 – PENDING APPLICATION

BOX RECONSTRUCTION

ATTN: JACKIE WALDO

Head Supervisory, Legal Instruments Examiner
United States Patent and Trademark Office
2451 Crystal Drive
Arlington, VA 22202

RECEIVED

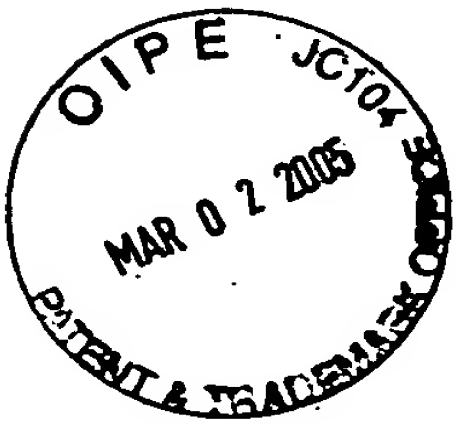
MAR 07 2005

GROUP 3600

Sir:

In response to the Notice dated December 2, 2004, attached herewith is a copy of the documents filed in the above-referenced application. We have listed each of these documents below:

1. A copy of the application as filed which includes the following:
 - (a) A copy of the transmittal letter dated October 9, 2001;
 - (b) A copy of the specification, claims, and abstract (Pages 1-55, including an Application Cover Sheet);
 - (c) A copy of Five (5) sheets of drawings which includes Figures 1a-1b, 2-5;
 - (d) A copy of the unexecuted Declaration and Power of Attorney Form; and
 - (e) A copy of the Information Disclosure Statement, Form PTO-1449 as well as a copy of the two cited references.
2. A copy of the Official Filing Receipt Mailed November 7, 2001;
3. A copy of the Notice to File Missing Parts Dated November 7, 2001;



Attorney Docket: 225/50476
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: MARTIN BRODT ET AL.
Serial No.: 09/972,195 Group Art Unit:
Filed: OCTOBER 9, 2001 Examiner:
Title: METHOD AND APPARATUS FOR THE PRODUCTION OF LOCALLY
REINFORCED SHEET-METAL MOULDINGS AND PRODUCTS MADE
THEREBY

SUBMISSION OF MISSING PARTS IN APPLICATION

Box Missing Parts
Commissioner for Patents
Washington, D.C. 20231

Sir:

Attached hereto please find:

1. The Notice to File Missing Parts of Application.
2. The executed Declaration and attached application copy.
3. Assignment for recordation, including a check in the amount of \$40.00.
4. A check in the amount of \$1,374.00 in payment of the basic filing fee of \$740.00, including the surcharge for late submission of the Declaration for \$130.00, and the additional claims fee.

Please credit any overpayments or charge any additional fees to the Deposit Account of Crowell & Moring, L.L.P., Account Number 05-1323 (Docket 225/50476). A duplicate copy of this letter is attached.

Respectfully submitted,

January 7, 2002

Donald D. Evenson
Registration No. 26,160

CROWELL & MORING, LLP
P.O. Box 14300
Washington, DC 20044-4300
Telephone No.: (202) 624-2500
Facsimile No.: (202) 628-8844

RECEIVED

MAR 07 2005

GROUP 3600

95309.236

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/972,195	10/09/2001	Martin Brodt	225/50476

CONFIRMATION NO. 3113

FORMALITIES LETTER



OC000000007037634

Missing Part = 1/7/02

Date Mailed: 11/07/2001

CROWELL & MORING, L.L.P.
P.O. Box 14300
Washington, DC 20044-4300

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 740 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$504.
 ■ \$504 for 28 total claims over 20.
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 1374.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

RECEIVED

MAR 07 2005

GROUP 3600



CROWELL & MORING, L.L.P.
P.O. Box 14300
Washington, D.C. 20044-4300
(202) 624-2500

RECEIVED
MAR 07 2005
GROUP 3600

October 9, 2001

Box PATENT APPLICATION

Commissioner for Patents
Washington, D.C. 20231

Re: New U.S. Patent Appln.
Our Ref: 225/50476

Sir:

Transmitted herewith for filing is the patent application of:

**Martin BRODT; Matthias KROEGER; Wolfgang LEUTELT;
and Robert MAYRHOFER**

entitled: **METHOD AND APPARATUS FOR THE PRODUCTION OF
LOCALLY REINFORCED SHEET-METAL MOULDINGS AND
PRODUCTS MADE THEREBY**

Enclosed are:

1. Specification, including 48 claims (61 pages including 1 page abstract), plus specification cover sheet.
2. 5 Sheets of X Formal drawings showing Figs. 1a-b; 2-5.
3. X Declaration and Power of Attorney (**unexecuted**).
4. Priority is being claimed under 35 U.S.C. §119 and 37 C.F.R. §1.55 based on Priority Document 100 49 660.1, filed in Germany on October 7, 2000.
5. X Information Disclosure Statement w/2 references.
6. The filing fee has been calculated as shown below:

Basic Fee						\$370/740	=	\$740.00
Total Claims	<u>48</u>	-	20	=	<u>28</u>	x	\$9/18	= \$504.00
Independent Claims	<u>3</u>	-	3	=	<u>0</u>	x	\$42/84	= \$
Multiple Dependent Claim Presented						\$140/280	=	\$
Total Filing Fee								<u>\$1244.00</u>

The filing fee is being deferred.



23911

PATENT TRADEMARK OFFICE

Respectfully submitted,

Donald D. Evenson
Reg. No. 26,160

DDE:mkh



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/972,195	10/09/2001	3725	0.00	225/50476	5	48	3

CONFIRMATION NO. 3113

FILING RECEIPT



OC000000007037633

CROWELL & MORING, L.L.P.
P.O. Box 14300
Washington, DC 20044-4300

Date Mailed: 11/07/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Martin Brodt, Rennington, GERMANY;
Matthias Kroeger, Brakel, GERMANY;
Wolfgang Leutelt, Leonberg, GERMANY;
Martin Brodt, Fichtestrasse, GERMANY;

Domestic Priority data as claimed by applicant

Foreign Applications

GERMANY 100 49 660.1 10/07/2000

If Required, Foreign Filing License: Granted 11/07/2001

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

Title

Method and apparatus for the production of locally reinforced sheet-metal mouldings and products made thereby

Preliminary Class

RECEIVED

MAR 07 2005

GROUP 3600

072

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

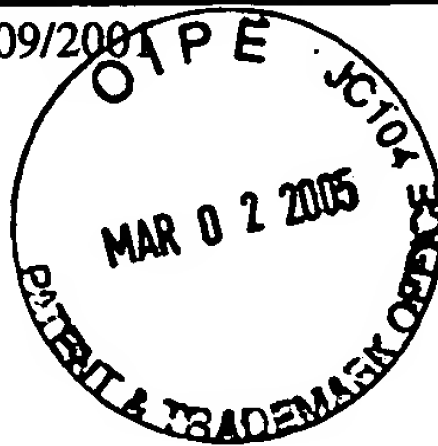


UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/972,195	10/09/2001	Martin Brodt	225/50476

CROWELL & MORING, L.L.P.
P.O. Box 14300
Washington, DC 20044-4300



CONFIRMATION NO. 3113



Title: Method and apparatus for the production of locally reinforced sheet-metal mouldings and products made thereby

Publication No. US-2002-0069506-A1
Publication Date: 06/13/2002

Date Mailed: 06/13/2002

NOTICE OF PUBLICATION OF APPLICATION

The above-identified application will be electronically published as a patent application publication pursuant to 37 CFR 1.211, et seq. The patent application publication number and publication date are set forth above.

The publication may be accessed through the USPTO's publically available Searchable Databases via the Internet at www.uspto.gov. The direct link to access the publication is currently <http://www.uspto.gov/patft/>.

The publication process established by the Office does not provide for mailing a copy of the publication to applicant. A copy of the publication may be obtained from the Office upon payment of the appropriate fee set forth in 37 CFR 1.19(a)(1). Orders for copies of patent application publications are handled by the USPTO's Office of Public Records. The Office of Public Records can be reached by telephone at (703) 308-9726 or (800) 972-6382, by facsimile at (703) 305-8759, by mail addressed to the United States Patent and Trademark Office, Office of Public Records, Crystal Gateway 4, Room 335, Washington, D.C. 20231, or via the Internet.

In addition, information on the status of the application, including the mailing date of Office actions and the dates of receipt of correspondence filed in the Office, may also be accessed via the Internet through the Patent Electronic Business Center at www.uspto.gov using the public side of the Patent Application Information and Retrieval (PAIR) system. The direct link to access this status information is currently <http://pair.uspto.gov/>. Prior to publication, such status information is confidential and may only be obtained by applicant using the private side of PAIR.

Further assistance in electronically accessing the publication, or about PAIR, is available by calling the Patent Electronic Business Center at (703) 305-3028.

Customer Service Center
Initial Patent Examination Division (703) 308-1202

RECEIVED

MAR 07 2005

GROUP 3600

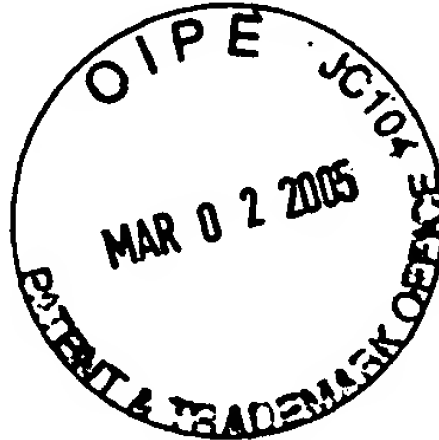


UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/972,195	10/09/2001	Martin Brodt	225/50476	3113

7590 10/01/2002
CROWELL & MORING, L.L.P.
P.O. Box 14300
Washington, DC 20044-4300



EXAMINER

NGUYEN, TRINH T

ART UNIT PAPER NUMBER

3726

DATE MAILED: 10/01/2002 ✓

Restriction Dec: 11/1/02

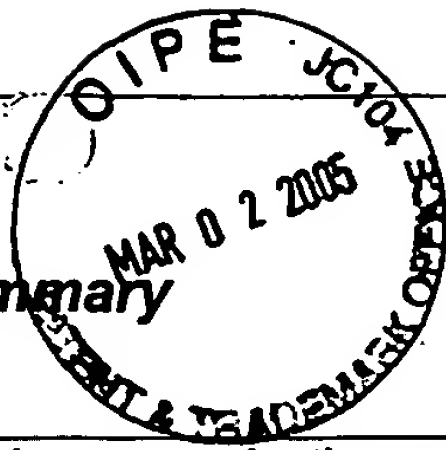
Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED

MAR 07 2005

GROUP 3600

Office Action Summary



Application No.

09/972,195

Applicant(s)

BRODT ET AL.

Examiner

Trinh T Nguyen

Art Unit

3726

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-48 are subject to restriction and/or election requirement.

RECEIVED

MAR 07 2005

GROUP 3600

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Art Unit: 3726

DETAILED ACTION

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-45, drawn to a method, classified in class 29, subclass 897.
- II. Claims 46-48, drawn to an apparatus, classified in class 72.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the process as claimed can be practiced by another materially different apparatus or by hand (i.e., the step of "jointly mechanically forming the sheet metal parts in the heated condition to form a desired composite structural shape..." can be done by hand).

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

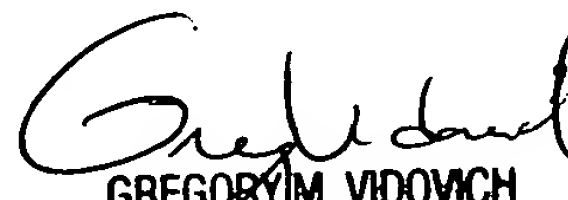
4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Art Unit: 3726

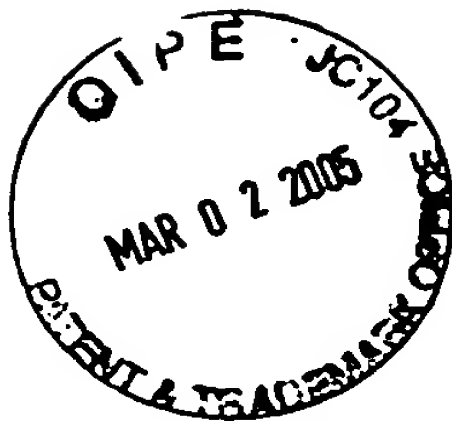
5. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trinh T Nguyen whose telephone number is (703) 306-9082. The examiner can normally be reached on M-F (9:30 A.M to 6:00 P.M).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Vidovich can be reached on (703) 308-1148. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3579 for regular communications and (703) 305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.


GREGORY M. VIDOVICH
PRIMARY EXAMINER

ttn
September 29, 2002



RECEIVED
MAR 07 2005
GROUP 3600

Attorney Docket: 225/50476
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: MARTIN BRODT ET AL.

Serial No.: 09/972,195

Group Art Unit: 3726

Filed: OCTOBER 9, 2001

Examiner: Nguyen, Trinh T.

Title: **METHOD AND APPARATUS FOR THE PRODUCTION OF
LOCALLY REINFORCED SHEET-METAL MOULDINGS AND
PRODUCTS MADE THEREBY**

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Restriction Requirement dated October 1, 2002, Applicants provisionally elect Group I, Claims 1-45 drawn to a method, classified in class 29, subclass 897.

This election is made with traverse, it being submitted that the subject matter of the other group of claims is such that they should properly be examined and allowed in a single application.

If there are any questions regarding this response or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

Respectfully submitted,

October 15, 2002

Donald D. Evenson
Registration No. 26,160

CROWELL & MORING, LLP
P.O. Box 14300
Washington, DC 20044-4300
Telephone No.: (202) 624-2500
Facsimile No.: (202) 628-8844
DDE:alw

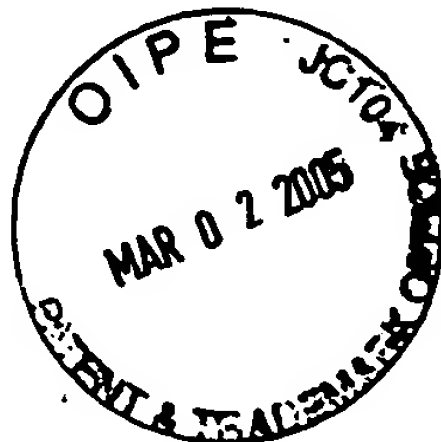


UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/972,195	10/09/2001	Martin Brodt	225/50476	3113

7590 12/31/2002
CROWELL & MORING, L.L.P.
P.O. Box 14300
Washington, DC 20044-4300



EXAMINER

NGUYEN, TRINH T

ART UNIT PAPER NUMBER

3726

DATE MAILED: 12/31/2002

Restriction Due: 1/31/03

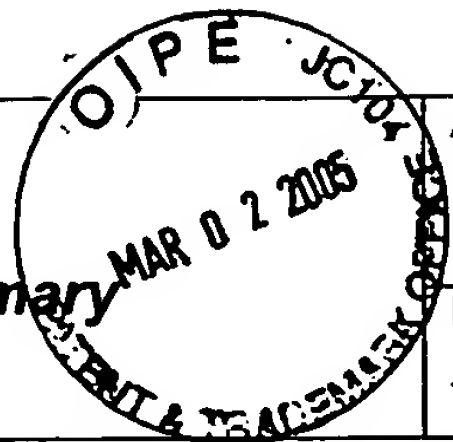
Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED

MAR 07 2005

GROUP 3600

Office Action Summary



Application No.

09/972,195

Examiner

Trinh T Nguyen

Applicant(s)

BRODT ET AL.

Art Unit

3726

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) 46-48 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-45 are subject to restriction and/or election requirement.

RECEIVED

MAR 07 2005

GROUP 3600

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicants' election with traverse of claims 1-45, in Paper No. 7, is acknowledged. However, upon further examination the Examiner has concluded that there should have been a restriction done in addition to the prior restriction. The Examiner sincerely apologized for any inconvenience brought upon the Applicants. An additional restriction is necessitated due to the recognized divergent subject matter.
2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-33, drawn to a method for the production of a three-dimensionally shaped structural part, classified in class 29, subclass 897.
 - II. Claims 34-44, drawn to a method of making a shaped structural part, classified in class 29, subclass 897.
 - III. Claim 45, drawn to a motor vehicle body part, classified in class 296.

The inventions are distinct, each from the other because of the following reasons:

3. **Inventions II and I** are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because it does not require connecting the basis sheet, in a flat state or in an incompletely formed performing state, to the

reinforcing sheet at a point predetermined for a subsequent reinforcing point. The subcombination has separate utility such as for use in building structures instead of vehicular structures.

4. **Inventions I and III** are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case, the process as claimed can be used to make other and materially different product such as a building structures.

5. **Inventions II and III** are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case, the process as claimed can be used to make other and materially different product such as a building structures.

6. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

7. Furthermore, If **Invention I** is selected then a further election is required to the following patentably distinct species:

(1) Elect from one of these distinct Species:

Species IA: A method for the production of a three-dimensionally shaped structural part as directed to claim 18.

Species IB: A method for the production of a three-dimensionally shaped structural part as directed to claim 19.

Species IC: A method for the production of a three-dimensionally shaped structural part as directed to claim 20.

(2) Elect from one of these distinct Species:

Species IX: A method for the production of a three-dimensionally shaped structural part as directed to claims 30 & 31.

Species IY: A method for the production of a three-dimensionally shaped structural part as directed to claims 32 & 33.

8. Furthermore, If **Invention II** is selected then a further election is required to the following patentably distinct species:

(1) Elect from one of these distinct Species:

Species IIA: A method of making a shaped structural part as directed to claim 38.

Species IIB: A method of making a shaped structural part as directed to claim 39.

9. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, there are no generic claim.

10. Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

11. Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

12. Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

13. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

14. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim

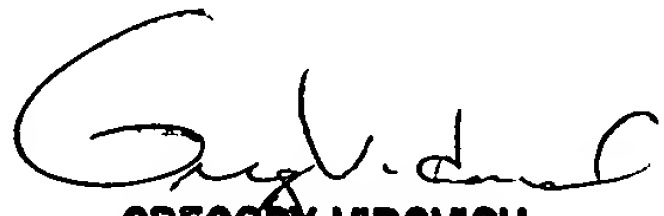
Art Unit: 3726

remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

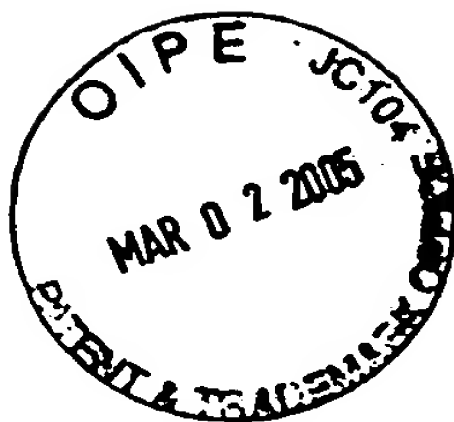
15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trinh T Nguyen whose telephone number is (703) 306-9082. The examiner can normally be reached on M-F (9:30 A.M to 6:00 P.M).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Vidovich can be reached on (703) 308-1513. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3579 for regular communications and (703) 305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.


GREGORY VIDOVICH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

ttn
December 26, 2002



Attorney Docket: 225/50476
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: MARTIN BRODT ET AL.

Serial No.: 09/972,195

Group Art Unit: 3726

Filed: OCTOBER 9, 2001

Examiner: Trinh T. Nguyen

Title: **METHOD AND APPARATUS FOR THE PRODUCTION OF LOCALLY
REINFORCED SHEET-METAL MOULDINGS AND PRODUCTS
MADE THEREBY**

RESPONSE

RECEIVED

MAR 07 2005

GROUP 3600

Commissioner for Patents
Washington, D.C. 20231

Sir:

The following remarks are respectfully submitted in response to the Office Action dated December 31, 2002.

Responsive to the restriction requirement, Applicants hereby provisionally elects the Invention Group I, including Claims 1-33. This election is made with traverse, it being submitted that the respective Invention Groups I and II claims include common distinguishing features which should result in their examination and allowance in a single application.

Since Invention Group I containing claims 1-33 was elected in response to the Restriction Requirement, the following provisional election of species are made.

First, the Species IA including Claim 18 is elected. Second, the species IY to the arrangement of Claims 32 and 33 is elected. With these elections, all of Claims 1-33 with the exception of Claims 19, 30 and 31 should be considered as among the

claims to the elected invention group and the elected species. Further, it is submitted that Claims 1-17 and 20-29 are generic to the designated species.

In view of the foregoing elections, examination and action on the merits of the elected invention group and species is submitted in order and respectfully requested.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #225/50476).

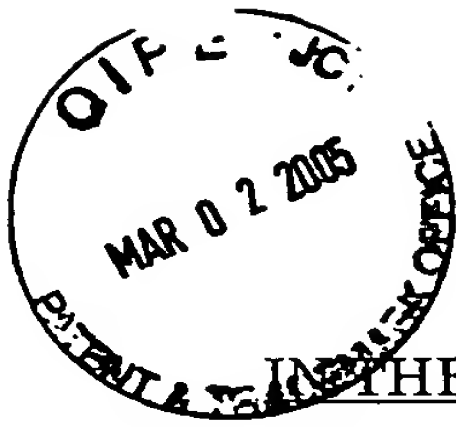
Respectfully submitted,

January 30, 2003



Donald D. Evenson
Registration No. 26,160

CROWELL & MORING, LLP
P.O. Box 14300
Washington, DC 20044-4300
Telephone No.: (202) 624-2500
Facsimile No.: (202) 628-8844
DDE:alw



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/972,195 Confirmation No. : 3113
Applicants : MARTIN BRODT ET AL.
Filed : October 9, 2001
TC/A.U. : 3726
Examiner : Trinh T. Nguyen
Docket No. : 225/50476
Customer No. : 23911
Title : METHOD AND APPARATUS FOR THE PRODUCTION OF
LOCALLY REINFORCED SHEET-METAL MOULDINGS AND
PRODUCTS MADE THEREBY

STATUS REQUEST

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

MAR 07 2005

GROUP 3600

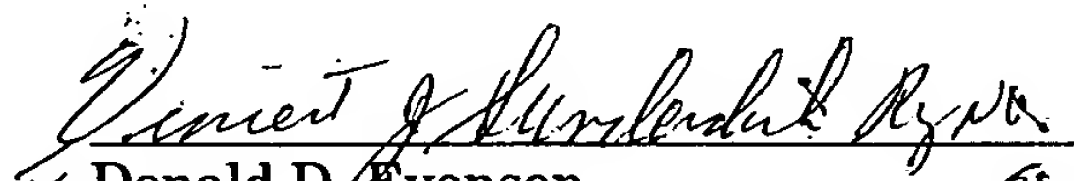
Sir:

Our records indicate that we have not received any further correspondence in reference to the above-identified application since the filing of a response dated January 30, 2003 in response to the Office Action dated December 31, 2002. Please advise the undersigned of the status of the application.

It would be appreciated if the undersigned attorney's assistant, Adria Wimmer were telephoned ((202) 624-2623) in the event there are any questions related to this Request or the application in general.

Respectfully submitted,

May 5, 2004


Donald D. Evenson
Registration No. 26,160
5/2004

CROWELL & MORING LLP
Intellectual Property Group
P.O. Box 14300
Washington, DC 20044-4300
Telephone No.: (202) 624-2500
Facsimile No.: (202) 628-8844
DDE:alw

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/972,195 Confirmation No. : 3113
Applicants : MARTIN BRODT ET AL.
Filed : October 9, 2001
TC/A.U. : 3726
Examiner : Trinh T. Nguyen
Docket No. : 225/50476
Customer No. : 23911
Title : METHOD AND APPARATUS FOR THE PRODUCTION OF
LOCALLY REINFORCED SHEET-METAL MOULDINGS AND
PRODUCTS MADE THEREBY

SECOND STATUS REQUEST

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

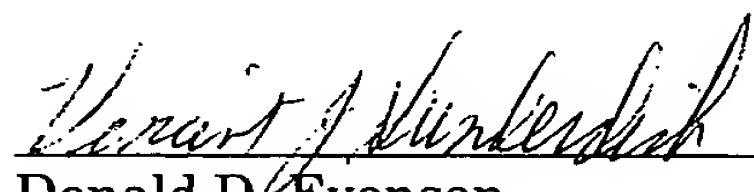
Sir:

Our records indicate that we have not received any further correspondence in reference to the above-identified application since the filing of a response dated January 30, 2003 in response to the Office Action dated December 31, 2002, nor have we had a reply to our initial Status Request filed May 5, 2004. Please advise the undersigned of the status of the application.

It would be appreciated if the undersigned attorney's assistant, Adria Wimmer were telephoned ((202) 624-2623) in the event there are any questions related to this Request or the application in general.

Respectfully submitted,

November 9, 2004


Donald D. Evenson
Registration No. 26,160
Vincent J. Sunderdick
Registration No. 29,004

CROWELL & MORING LLP
Intellectual Property Group
P.O. Box 14300
Washington, DC 20044-4300
Telephone No.: (202) 624-2500
Facsimile No.: (202) 628-8844
DDE:alw